

Exhibit C – Attachment to Motion to Suppress



ATTACHMENT FM-1047

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

How to Safely Turn In Firearms and Ammunition

Important! You must call **BEFORE** you bring firearms or ammunition to a law enforcement agency. You have 24 hours from the time you received the restraining order or protective order to call. Follow the steps below.

- 1 Call the Santa Clara County Sheriff's Department or the Police Department where you live. Tell them you have a restraining or criminal protective order and you need to turn in your firearm(s) and ammunition.
- 2 The law enforcement agency will explain where and how to turn in your firearm(s) and ammunition. Some agencies ask you to make two trips: one for the firearm(s) and one for the ammunition. Follow their instructions carefully.
- 3 Law enforcement may ask for:
 - a description of you and your car,
 - your ID, and
 - your court order.

Follow these Safety Instructions:

- Your firearm(s) must be **unloaded**.
- Place the firearm in your trunk, and lock your **trunk**. If you do not have a trunk, lock your firearm in a container and put it in the **back** of your vehicle out of arm's reach. Do **NOT** put it in your glove compartment! (*Calif. Penal Code§ 12026.1(a)*)
- Drive straight to the law enforcement agency. Do not stop anywhere else.
- Park your car where the agency told you to park.
- Call the agency when you get there. They will tell you what to do. If you do not have a cell phone, **leave the firearm in your car** and go inside and ask for instructions.

If you want to have your firearms and ammunition destroyed:

Follow the safety instructions above. The agency will also ask you to sign a paper that gives them permission to destroy your firearm(s) and ammunition.

If your firearms are antiques or collector's items:

When you turn in your firearm(s), tell the agency how they should be stored. Some agencies may not be able to follow your storage instructions.

You have 24 hours to turn in (or sell) your firearms and ammunition.

If the court ordered you to "relinquish" your firearms and ammunition, you have only 24 hours to do so. If you decide to sell them, you must sell them to a **federally licensed** gun dealer. Look in the Yellow Pages or online under "Firearms Dealers." Be sure that the firearm dealer is federally licensed.

Here are the non-emergency phone numbers.

Campbell Police Dept.	(408) 866-2101, 866-2102
Gilroy Police Dept.	(408) 846-0300
Los Altos Police Dept.	(650) 947-2779
Los Gatos/Monte Sereno Police Dept.	(408) 354-8600
Milpitas Police Dept.	(408) 586-2400
Morgan Hill Police Dept.	(408) 779-2101
Mountain View Police Dept.	(650) 903-6344
Palo Alto Police Dept.	(650) 329-2406
San José Police Dept.	311 or (408) 277-8900
San José State Univ. Police Dept	(408) 924-2185
Santa Clara County Sheriff's Office	(408) 808-4400
Santa Clara Police Dept.	(408) 615-4700
Stanford Univ. Dept. of Public Safety	(650) 723-9633
Sunnyvale Dept. of Public Safety	(408) 730-7110

Do not call 911.
*Call your local police department
or the Santa Clara County
Sheriff's Office.*

ATTACHMENT FM-1047**Questions About Safely Turning In Firearms and Ammunition**

This information will answer your questions about turning in firearms.

If you have other questions, call your local police department. (See other side.)

What is a firearm?

Firearms include:

- handguns and pistols,
- rifles and shotguns,
- black powder firearms and muzzle-loading firearms,
- assault weapons, and
- any weapon that sends a projectile through a barrel and the weapon's frame or receiver.

How do I turn in my firearms and ammunition?

You have 2 options:

- You can call your local police department or the Santa Clara County Sheriff's Office and ask for instructions, or
- You can sell them to a *federally licensed gun dealer*. Look in the Yellow Pages or online under "Firearms Dealers."

How long do I have to turn in my firearms and ammunition?

If the court ordered you to "relinquish" your firearms and ammunition, you only have **24 hours** from the time that you received the restraining order or criminal protective order.

What if I was ordered to turn in firearms and ammunition on a weekend, can I get more than 24 hours?

No. You only have 24 hours. Law enforcement is available 24/7. See other side for instructions.

Can I turn in my firearms and ammunition now, and sell them later?

Yes. You can have one sale of the firearms and ammunition. You must use a federally licensed gun dealer for the sale. The gun dealer will give the law enforcement agency a bill of sale for the firearms and/or ammunition. If the paperwork is correct, the law enforcement agency will turn over the guns and/or ammunition to the gun dealer.

What happens if my firearms have not been registered?

It depends. Not all firearms have to be registered. But, if you did not register a weapon that had to be registered, you may have committed a crime. Talk to a lawyer as soon as possible.

How long will law enforcement keep my firearms and ammunition?

Usually they keep the firearms and ammunition until your restraining or protective order ends. If they cannot keep them for the whole period, they will let you know in writing so you can make other arrangements.

Do I have to pay law enforcement to keep my firearms and ammunition?

Maybe. Each agency has its own policy. They will tell you about any fees when you turn them in. They will also let you know in writing if their fees change.

Can a law enforcement officer take my firearms and ammunition from me?

Yes. If you are involved in domestic violence, the officer can take away your firearms and ammunition. (*Calif. Family Code, § 6389(c)(2)*)

Can I get my firearms back from law enforcement after the court order ends?

Yes, if you are legally allowed to have a firearm. Fill out a Law Enforcement Gun Release (LEGR) Application and send it to the California Department of Justice. You can get the application at: <http://ag.ca.gov/firearms/forms>. You will also have to pay a fee (\$20 for the first firearm and \$3 for each additional firearm).

The Department of Justice will send you a notice within 4-6 weeks to tell you if you are eligible to possess a weapon again. If you are eligible, take that notice to the law enforcement agency where your firearm(s) and ammunition are stored within 30 days of the date on the notice. If you wait more than 30 days, you will have to submit another application.

Where can I get more information?

You can:

- Call your local law enforcement agency, or
- Read the law (*Calif. Penal Code §§ 12001 and 6389*),
- Contact an attorney.